



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
02/319,842	08/09/1999	KLAUS-JUERGEN WESTERMANN	686	3637

7590

07/10/2002

STRIKER STRIKER & STENBY
103 EAST NECK ROAD
BENTONINGTON, NY 11743

EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 07/10/2002

Oct. 10, 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,842

Applicant(s)

WESTERMANN ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the additional lateral strut disposed at ends of the side walls (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicant is reminded that applicant's drawings show two side walls each one having numerous ends (see attachment). Struts 60, 64 and 70 are covered by claim 1 and shown in Figure 6.

Claim Objections

Claims 1, 3, 4 and 6 are objected to because of the following informalities:

as to claim 1, reference 70 in lines 6 and 8 has been referred to describe both a detent means and lateral struts;

as to claim 3, the limitation "smaller" in line 6 should be --small--;

as to claim 4, a comma should be inserted after "(54)" in line 5, and the limitations "larger" in line 4 should be --large--;

as to claim 6, the limitation "which limits" in line 3 should be --for limiting-- if applicant is not claiming the wiper rod in combination with the bearing element, and the term "the" in line 5 should be --a--; and,

Art Unit: 3679

as to claim 8, the limitation "smaller" in lines 4 and 5 should be --small--.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation "onto a supporting bolt of the wiper blade" in lines 3-4 is unclear whether the applicant is claiming the wiper blade in combination with the bearing element. Furthermore, the limitation "and when mounted" in line 4 is unclear what is mounted and where is mounted. The limitation "is held by the hook-shaped end" is unclear what feature of the invention the hook-shaped end is holding. Moreover, is applicant claiming the hook-shaped end of a wiper rod and the wiper rod. The limitation "a longitudinal direction" in line 7 is unclear where the longitudinal

Art Unit: 3679

direction belongs in respect to the features of the invention. Is the longitudinal direction of the hub, the faces, the hub, the wiper rod, the wiper blade, or the detent means?

Regarding claim 1, the word "means" is preceded by the word(s) ", two side walls" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding claim 3, the limitation "the longitudinal" in line 5 is unclear whether the longitudinal direction is the same longitudinal direction recited in line 7 of claim 1 or another longitudinal direction. Moreover, the limitation "that corresponds to the smaller material thickness" in line 6 is unclear since directions do not have units to compare with material thickness.

Regarding claim 4, the limitation "its outer contour" in line 2 is unclear what feature of the invention does the contour make reference. The limitation "the first lateral strut" in line 3 has insufficient antecedent basis for this limitation in the claims. The limitation "a second lateral strut" in line 5 is unclear whether the second lateral strut is another strut different than any of the lateral struts recited in claim 1 in line 7 or one of the lateral struts recited in claim 1. The limitation "the longitudinal direction" in line 6 is

Art Unit: 3679

unclear whether the longitudinal direction is the same longitudinal direction recited in line 7 of claim 1 or another longitudinal direction. Moreover, the limitation "that corresponds to the smaller material thickness" in line 7 is unclear since directions do not have units to compare with material thickness.

Regarding claim 7, the limitation "the long leg" in line 4 lacks antecedent basis in the claims.

Regarding claims 7 and 8, the limitation "detent projection" is unclear whether the detent projection is the detent means recited in claim 1 or just another feature.

Regarding claims 2, 5 and 8, the claims depend from claim 1 and therefore become indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the European patent 655, 373 (see attachment).

Regarding claim 1, the European patent '373 discloses in Figure 1 a bearing element **10** comprising a hub **32**, two side walls **14, 16**, detents **48**, and a number of lateral struts **44, 54, 58**. The hub **32** is open over part of its circumference. The two side walls **14, 16** are connected by way of the hub **32**. The number of lateral struts **44, 54, 58** is on sides of the hub. The European patent discloses clearances **A1, A2** between guiding surfaces **16** of the side walls **14, 16** are different sizes on opposite ends.

Regarding claim 2, the European patent discloses one of the clearances **A1, A2** of the sidewalls **14, 16** is reduced on one end **E** by beads **24**.

Regarding claim 3, an outer contour of the hub **32** has a contact face **36**. A first lateral strut **54** of the lateral struts **44, 54, 58** is disposed at a distance **D** from the hub **32**.

Regarding claim 4, a first lateral strut **54** has a contact face **52**. Figure 1 shows a second lateral strut **58** of the lateral struts **44, 54, 58** is disposed at a distance from the first lateral strut **54**.

Regarding claim 5, the second lateral strut **58** has a flattened contact face **F** that is oriented towards the hub **32** (Fig. 1).

Art Unit: 3679

Regarding claim 6, the European patent '373 discloses an additional lateral strut **44** disposed at ends **E** of the side walls **12, 14**.

Regarding claim 7, at least one of the detents **48** is disposed on the side walls **12, 14** starting from the additional lateral strut **44**.

Regarding claim 8, the at least one of the detents **48** is disposed offset toward the hub **32**, in relation to the additional lateral strut **44**.

Response to Arguments

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The French patent, 2,631,300 discloses clearances of sidewalls on a bearing element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

**Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600**

E.G.

July 3, 2002

Attachments: one marked-up page of Figure 2 of applicant's invention; and,
one marked-up page of the European patent 655,373.

2 / 4

* Ends without an additional strut

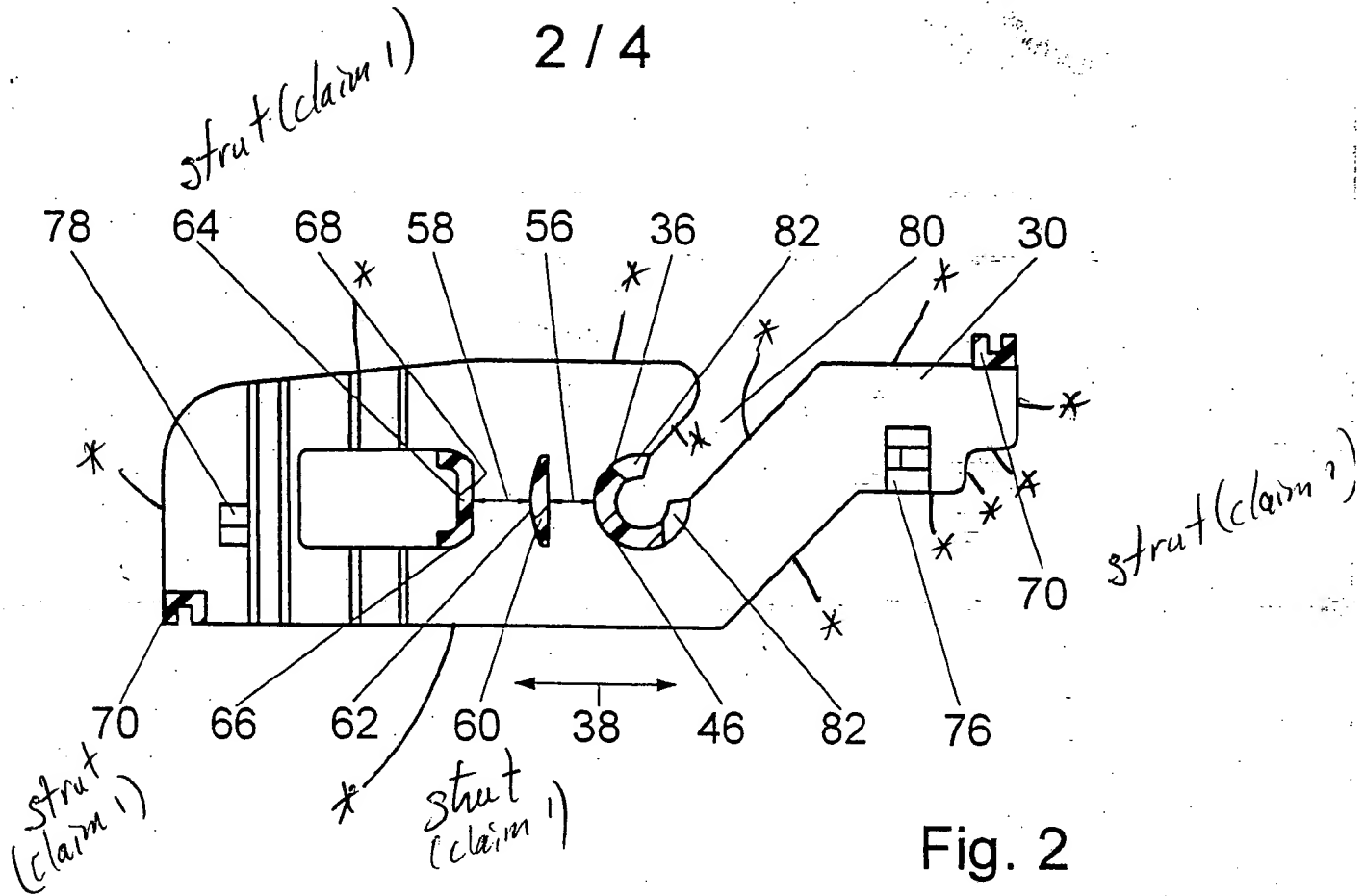


Fig. 2

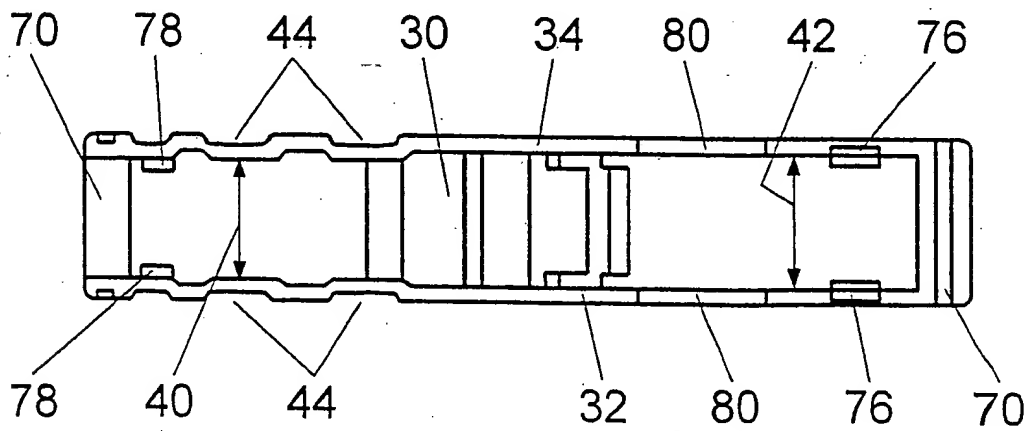


Fig. 3

09319842-080999

